



General Assembly

January Session, 2009

**Committee Bill No. 43**

LCO No. 5558

\*05558SB00043APP\*

Referred to Committee on Appropriations

Introduced by:  
(APP)

**AN ACT ESTABLISHING THE UNITED MUNICIPAL ASSISTANCE  
GRANT PROGRAM.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 7-535 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 There is established and created a fund to be known as the ["Local  
4 Capital Improvement] "United Municipal Assistance Grant" Fund".  
5 Said fund shall contain any moneys required by law to be deposited in  
6 the fund and shall be held separate and apart from all other moneys,  
7 funds and accounts. Any balance remaining in said fund at the end of  
8 any fiscal year shall be carried forward in said fund for the fiscal year  
9 next succeeding. The resources of such fund shall be expended for the  
10 purpose of reimbursing municipalities for the cost of eligible [local  
11 capital improvement] municipal assistance projects pursuant to section  
12 7-536, as amended by this act.

13 Sec. 2. Section 7-536 of the general statutes is repealed and the  
14 following is substituted in lieu thereof (*Effective July 1, 2009*):

15 (a) As used in sections 7-535 to 7-538, inclusive, as amended by this  
16 act:

17 (1) "Adjusted equalized net grand list per capita" means the  
18 adjusted equalized net grand list per capita determined for each town  
19 pursuant to section 10-261;

20 (2) "Density" means the population of a municipality divided by the  
21 number of square miles of the municipality;

22 (3) "Grant anticipation note" means a note issued in anticipation of  
23 the receipt of project grants to the municipality from moneys in the  
24 [Local Capital Improvement] United Municipal Assistance Grant  
25 Fund;

26 (4) ["Local capital improvement] "Municipal assistance project"  
27 means a municipal capital expenditure project for any of the following  
28 purposes: (A) Road construction, renovation, repair or resurfacing, (B)  
29 (i) construction, reconstruction, improvement or maintenance of  
30 highways, sections of highways, bridges or structures incidental to  
31 highways and bridges or the improvement thereof, including the  
32 plowing of snow, the sanding of icy pavements, the trimming and  
33 removal of trees, the installation, replacement and maintenance of  
34 traffic signs, signals and markings, and for traffic control and vehicular  
35 safety programs, traffic and parking planning and administration, and  
36 other purposes and programs related to highways, traffic and parking,  
37 and for the purposes of providing and operating essential public  
38 transportation services and related facilities, (ii) the improvement or  
39 maintenance of dirt and unimproved roads, including bridges on such  
40 roads, and (iii) defraying, in whole or part, the cost of repairs,  
41 improvements, alteration or replacement of roads, bridges and dams in  
42 any town which, in the opinion of the Governor, with the advice of the  
43 Commissioner of Transportation in the case of roads or bridges, and  
44 the Commissioner of Environmental Protection in the case of dams,  
45 constitute a threat to public safety as a result of damage resulting from  
46 a natural disaster, (C) sidewalk and pavement improvements, [(C)] (D)

47 construction, renovation, enlargement or repair of sewage treatment  
48 plants and sanitary or storm, water or sewer lines, including  
49 separation of lines, [(D)] (E) public building construction other than  
50 schools, including renovation, repair, code compliance, energy  
51 conservation and fire safety projects, [(E)] (F) construction, renovation,  
52 enlargement or repair of dams, bridges and flood control projects, [(F)]  
53 (G) construction, renovation, enlargement or repair of water treatment  
54 or filtration plants and water mains, [(G)] (H) construction, renovation  
55 or enlargement of solid waste facilities, [(H)] (I) improvements to  
56 public parks, [(I)] (J) the preparation and revision of [local capital  
57 improvement] municipal assistance plans projected for a period of not  
58 less than five years and so prepared as to show the general description,  
59 need and estimated cost of each individual capital improvement, [(J)]  
60 (K) improvements to emergency communications systems, [(K)] (L)  
61 public housing projects, including renovations and improvements and  
62 energy conservation and the development of additional housing, [(L)]  
63 (M) renovations to or construction of veterans' memorial monuments,  
64 [(M)] (N) thermal imaging systems, [(N)] (O) bulky waste and landfill  
65 projects, [(O)] (P) the preparation and revision of municipal plans of  
66 conservation and development adopted pursuant to section 8-23,  
67 provided such plans are endorsed by the legislative body of the  
68 municipality not more than one hundred eighty days after adoption by  
69 the commission, [(P)] (Q) acquisition of automatic external  
70 defibrillators, [(Q)] (R) floodplain management and hazard mitigation  
71 activities, [(R)] (S) on-board oil refining systems consisting of a  
72 filtration canister and evaporation canister that remove solid and  
73 liquid contaminants from lubricating oil, and [(S)] (T) activities related  
74 to the planning of a municipal broadband network, provided the  
75 speed of the network will be not less than three hundred eight-four  
76 thousand bits per second. ["Local capital improvement"] "Municipal  
77 assistance project" means only capital expenditures and includes  
78 repairs incident to reconstruction and renovation but does not include  
79 ordinary repairs and maintenance of an ongoing nature and  
80 "floodplain management" and "hazard mitigation" shall have the same

81 meaning as in section 25-68j;

82 (5) "Municipality" means any town, city, borough, consolidated  
83 town and city or consolidated town and borough;

84 (6) "Population" means the number of people according to the most  
85 recent federal decennial census, except in intervening years between  
86 such censuses when it shall mean the number according to the most  
87 recent estimate of the Department of Public Health; and

88 (7) "Secretary" means the Secretary of the Office of Policy and  
89 Management.

90 (b) On February first of each year, not more than the amount as  
91 authorized by the General Assembly for the fiscal year from the  
92 resources of the [Local Capital Improvement] United Municipal  
93 Assistance Grant Fund shall be allocated to the Secretary of the Office  
94 of Policy and Management, who shall allocate an amount to each  
95 municipality in the state in accordance with the provisions of  
96 subsection (c) of this section. The secretary shall credit all such  
97 allocated moneys to a [local capital improvement] municipal assistance  
98 project account for each municipality and make [local improvement  
99 project] municipal assistance project grants from such accounts to such  
100 municipalities pursuant to the provisions of this section. The secretary  
101 shall maintain records indicating, for each municipality's account, the  
102 amount credited to the account each year, the amount paid out in  
103 [local capital improvement] municipal assistance project grants and  
104 charged to the account and the balance available for additional [local  
105 capital improvement project] grants.

106 (c) Each allocation under subsection (b) of this section shall be made  
107 to municipalities in accordance with the following formula: (1) Thirty  
108 per cent of the amount shall be allocated pro rata on the basis of the  
109 ratio of the total number of miles of improved and unimproved  
110 highways in each town to the total number of miles of improved and  
111 unimproved highways in all towns in the state; [, as determined under

112 sections 13a-175b and 13a-175d;] (2) twenty-five per cent of the amount  
113 shall be allotted pro rata on the basis of the following ratio: The density  
114 of each town multiplied by the population of such town shall be the  
115 numerator of the fraction. The resulting products for all the towns  
116 shall be added together, and the sum shall be the denominator of the  
117 fraction; (3) twenty-five per cent of the amount shall be allotted on the  
118 basis of the following ratio: The population of each town multiplied by  
119 the inverse of the adjusted equalized net grand list per capita of such  
120 town shall be the numerator of the fraction, and the resulting products  
121 for all the towns shall be added together and the sum shall be the  
122 denominator of the fraction; and (4) twenty per cent of the amount  
123 shall be allotted pro rata on the basis of the ratio of the population of  
124 each town to the population of the state. Any city or borough not  
125 consolidated with the town in which it is located and any town  
126 containing such a city or borough shall share the allocation to such  
127 town on the basis of the following ratio: The total taxes levied in the  
128 previous fiscal year by such town, city or borough shall be the  
129 numerator of the fraction. The total taxes levied by the town and all  
130 cities or boroughs located within such town shall be added together,  
131 and the sum shall be the denominator of the fraction. Any such city or  
132 borough may, by vote of its legislative body, direct the Secretary of the  
133 Office of Policy and Management to reallocate all or a portion of the  
134 share of such city or borough to the town in which it is located.

135 (d) One-third of the total amount allotted to each town under  
136 subsection (c) of this section may be used at the discretion of the chief  
137 executive official and the legislative body of such town for other  
138 expenditures of the town.

139 ~~[(d)]~~ (e) On March first of each year the Secretary of the Office of  
140 Policy and Management shall indicate to each municipality the amount  
141 allocated to the municipality under subsections (b) and (c) of this  
142 section in accordance with section 4-71a.

143 ~~[(e)]~~ (f) Each municipality may apply to the secretary for project

144 authorization and expense reimbursement of [local capital  
145 improvement] municipal assistance projects.

146 [(f)] (g) The secretary shall approve or disapprove each completed  
147 application for a [local capital improvement] municipal assistance  
148 project grant authorization not later than forty-five days after receipt of  
149 such application on a form prescribed by the secretary. Such  
150 application shall include a certification by the municipality that: (1)  
151 The project for which grant assistance is requested is a [local capital  
152 improvement] municipal assistance project; (2) the project is consistent  
153 with the [local capital improvement] municipal assistance project plan  
154 adopted by the municipality; and (3) the grant proceeds shall not be  
155 used to satisfy a local matching requirement for any state assistance  
156 program other than the local bridge program established under  
157 sections 13a-175p to 13a-175u, inclusive. The municipality shall  
158 provide any other certification required by the secretary. The secretary  
159 shall authorize such grant if, in the secretary's opinion, the project  
160 meets the requirements set forth in this section and any other  
161 requirement imposed by the secretary and payment of such grant  
162 would not cause the [local capital improvement] municipal assistance  
163 project account of the municipality, established under subsection (b) of  
164 this section, to be overdrawn. If a municipality fails to request  
165 payment within seven years of such authorization for a project, the  
166 secretary shall make no payment for such project unless the  
167 municipality requests and receives a waiver for such project on such  
168 terms and conditions as the secretary deems appropriate. On or before  
169 five years after the date of any such authorization and on or before six  
170 years after the date of any such authorization, the secretary shall  
171 notify, in writing, any municipality for which any such authorization  
172 has been made which notice shall indicate the time which has elapsed  
173 since such authorization and the date after which the secretary may  
174 not make payments for an authorized project.

175 [(g)] (h) Each municipality may apply to the secretary for expense  
176 reimbursement at the time it submits a [local capital improvement]

177 municipal assistance project authorization request or any time after  
178 such authorization request has been approved by the secretary. The  
179 application for expense reimbursement shall be submitted on a form  
180 prescribed by the secretary and shall contain identification of the  
181 expenses for which reimbursement is sought and certification from the  
182 municipality that: (1) Expenditures for the project conform to the  
183 provisions of subdivision (4) of subsection (a) of this section and the  
184 municipality is entitled to the reimbursement requested in the  
185 application; and (2) the municipality agrees to maintain detailed  
186 accounting records of the project reflecting the expenditures for which  
187 reimbursement has been requested and to make such records available  
188 to its independent auditor and the state. The municipality shall  
189 provide any other certification required by the secretary. Not later than  
190 five business days after such certification, the Comptroller shall draw  
191 his or her order on the Treasurer, who shall pay the grant to the  
192 municipality.

193 [(h)] (i) Each municipality receiving a [local capital improvement]  
194 municipal assistance project grant under this section shall retain  
195 detailed accounting records of all expenses incurred relative to the  
196 [local capital improvement] municipal assistance project for which a  
197 grant is received for a period of not less than three years following the  
198 completion of such project. If the secretary determines that such  
199 records are not maintained or a review of such records indicates that  
200 such grant, or any portion thereof, was used for a purpose other than  
201 its intended purpose, the secretary shall provide written notification to  
202 the chief executive officer of the municipality of such finding. Upon  
203 issuing a finding under this section, the secretary may require the  
204 municipality to promptly pay to the state an amount equal to the  
205 amount of the grant or he may cause the amount of any future grant  
206 made under this section to be reduced by such amount.

207 [(i)] (j) On and after January 1, 2001, no municipality shall receive  
208 any financial assistance under this section for improvements to  
209 information technology systems to manage the century date change

210 effect.

211 [(j)] (k) No municipality shall be eligible to receive financial  
212 assistance under this section for reimbursement of the cost of  
213 preparing a municipal plan of conservation and development,  
214 pursuant to section 8-23, more than once in any ten-year calendar  
215 period.

216 Sec. 3. Section 7-537 of the general statutes is repealed and the  
217 following is substituted in lieu thereof (*Effective July 1, 2009*):

218 (a) A municipality may authorize and approve the issuance of [local  
219 capital improvement] municipal assistance project grant anticipation  
220 notes. Proceeds from the issuance and sale of such grant anticipation  
221 notes shall be used to temporarily finance an eligible [local capital  
222 improvement] municipal assistance project approved by the Secretary  
223 of the Office of Policy and Management pursuant to subsection [(f)] (g)  
224 of section 7-536, as amended by this act. Such grant anticipation notes  
225 may be issued and sold to any lender on such terms and in such  
226 manner as shall be determined by a municipality. Such grant  
227 anticipation notes may be renewed from time to time by the issuance  
228 of other notes, provided the final maturity of such notes shall not  
229 exceed six months from the date of completion of an eligible local  
230 capital improvement project. Such notes and renewals shall not be  
231 subject to the requirements and limitations set forth in sections 7-378  
232 and 7-378a. The provisions of section 7-374 shall apply to such notes  
233 and any renewals thereof. The officer or agency authorized by law or  
234 by vote of the municipality to issue such grant anticipation notes shall,  
235 within any limitation imposed by such law or vote, determine the date,  
236 maturity, interest rate, form, manner of sale and other details of such  
237 notes. Such notes may bear interest or be sold at a discount and the  
238 interest or discount on such notes, including renewals thereof. The  
239 expense of preparing, issuing and marketing such notes may not be  
240 included as a part of the cost of an eligible [local capital improvement]  
241 municipal assistance project.

242 (b) [Local capital improvement] Municipal assistance project grant  
243 anticipation notes shall be general obligations of the issuing  
244 municipality and each such obligation shall recite that the full faith  
245 and credit of the issuing municipality are pledged for the payment of  
246 the principal thereof and interest thereon.

247 Sec. 4. Section 13a-105 of the general statutes is repealed and the  
248 following is substituted in lieu thereof (*Effective July 1, 2009*):

249 When any town has determined to construct or reconstruct any  
250 highway, section of highway or bridge, which construction or  
251 reconstruction is to be paid for from funds [allotted to such town  
252 under the provisions of sections 13a-175a to 13a-175f, inclusive, and  
253 the commissioner has entered into an agreement with the selectmen of  
254 such town, as provided by sections 13a-175e and 13a-175f] provided  
255 under section 7-538, said commissioner shall call for bids and award a  
256 contract for such construction or reconstruction in the manner  
257 provided by section 13a-95, except that, if, in the opinion of said  
258 commissioner, it is to the best interest of the state and such town, the  
259 commissioner may award to such town a contract for such  
260 construction or reconstruction upon such terms and conditions as the  
261 commissioner determines, provided the estimated unit prices under  
262 any contract so awarded shall not be in excess of ten per cent more  
263 than the average unit prices prevailing during the preceding twelve  
264 months for similar work in the state and provided such town shall  
265 have authorized the selectmen to enter into such contract in the name  
266 and on behalf of such town. Nothing in this section shall be construed  
267 to eliminate the use of force account work for the repair of town aid  
268 highways. The commissioner may, subject to the approval of the  
269 selectmen or legislative body of such town, enter into an agreement  
270 with a third party for additional construction or reconstruction works  
271 when requested to do so by such third party, provided such third  
272 party shall, immediately upon certification by the commissioner, pay  
273 to the State Treasurer the full cost to the state of such additional  
274 construction or reconstruction works. If under such agreement such

275 additional construction or reconstruction works are carried out by  
276 such third party, they shall conform with all requirements and  
277 regulations of such town and such as may be prescribed by the  
278 commissioner.

279 Sec. 5. Section 13a-106 of the general statutes is repealed and the  
280 following is substituted in lieu thereof (*Effective July 1, 2009*):

281 When any town highway is maintained, improved, constructed or  
282 reconstructed on a force account basis by expenditure of funds  
283 [allocated under sections 13a-175a to 13a-175f, inclusive] provided  
284 under section 7-538, the furnishing of gravel, sand or wood posts by  
285 competitive bids under section 4a-57 shall not be required when  
286 suitable material, meeting Department of Transportation  
287 specifications, is available to the town at a unit price acceptable to the  
288 commissioner.

289 Sec. 6. Subsection (e) of section 7-34a of the general statutes is  
290 repealed and the following is substituted in lieu thereof (*Effective July*  
291 *1, 2009*):

292 (e) In addition to the fees for recording a document under  
293 subsection (a) of this section, town clerks shall receive a fee of thirty  
294 dollars for each document recorded in the land records of the  
295 municipality. The town clerk shall retain one dollar of any fee paid  
296 pursuant to this subsection and three dollars of such fee shall become  
297 part of the general revenue of the municipality and be used to pay for  
298 [local capital improvement] municipal assistance projects, as defined in  
299 section 7-536, as amended by this act. Not later than the fifteenth day  
300 of each month, town clerks shall remit twenty-six dollars of the fees  
301 paid pursuant to this subsection during the previous calendar month  
302 to the State Treasurer. Upon deposit in the General Fund, such amount  
303 shall be credited to the land protection, affordable housing and historic  
304 preservation account established pursuant to section 4-66aa. The  
305 provisions of this subsection shall not apply to any document recorded  
306 on the land records by an employee of the state or of a municipality in

307 conjunction with such employee's official duties. As used in this  
 308 subsection, "municipality" includes each town, consolidated town and  
 309 city, city, consolidated town and borough, borough, and district, as  
 310 defined in chapter 105 or 105a, any municipal corporation or  
 311 department thereof created by a special act of the General Assembly,  
 312 and each municipal board, commission and taxing district not  
 313 previously mentioned.

314 Sec. 7. (*Effective July 1, 2009*) For each of the fiscal years ending June  
 315 30, 2010, and June 30, 2011, funding shall be made available from the  
 316 proceeds of the sale of bonds under section 7-538 of the general  
 317 statutes for municipal assistance projects, in accordance with section 7-  
 318 536 of the general statutes, as amended by this act, as follows: (1)  
 319 \$30,000,000 for projects under subparagraph (B) of subdivision (4) of  
 320 subsection (a) of said section; (2) \$30,000,000 for projects under  
 321 subparagraphs (A) and (C) to (T), inclusive, of subdivision (4) of  
 322 subsection (a) of said section, and (3) \$12,000,000, fifty per cent of  
 323 which shall be used for projects under subparagraph (B) of subdivision  
 324 (4) of subsection (a) of said section, and fifty per cent of which shall be  
 325 used for projects under subparagraphs (A) and (C) to (T), inclusive, of  
 326 subdivision (4) of subsection (a) of said section.

327 Sec. 8. Sections 13a-175a to 13a-175e, inclusive, of the general  
 328 statutes and sections 13a-175i to 13a-175k, inclusive, of the general  
 329 statutes are repealed. (*Effective July 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	7-535
Sec. 2	<i>July 1, 2009</i>	7-536
Sec. 3	<i>July 1, 2009</i>	7-537
Sec. 4	<i>July 1, 2009</i>	13a-105
Sec. 5	<i>July 1, 2009</i>	13a-106
Sec. 6	<i>July 1, 2009</i>	7-34a(e)
Sec. 7	<i>July 1, 2009</i>	New section
Sec. 8	<i>July 1, 2009</i>	Repealer section

**Statement of Purpose:**

To increase flexibility for municipalities of uses of state funding.

Co-Sponsors: SEN. DEFRONZO, 6th Dist.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

S.B. 43